IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

CRP.No. 443 of 2006()

AGAINST THE ORDER DT.30.8.2005 IN EOP.35/1999 of I ADDL. DISTRICT COURT, PALAKKAD .

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REVN. PETITIONERS: RESPONDENTS
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1. THE SECRETARY.
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN.
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
SUB STATION SUB DIVISION,
KSE BOARD, PALAKKAD-20.

3. THE DEPUTY TAHSILDAR (LA)
K.S.E. BOARD, MALAPPURAM.

BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSEB

RESPONDENTS: PETITIONER

VAIDYARATNAM P.S.
VARIER'S ARYA VAIDYA SALA, KOTTAKKAL,
MALAPPURAM DISTRICT, REPRESENTED BY
ITS MANAGING TRUSTEE, P.K.WARRIER,
S/O. LATE KUNCHI VARASSIAR.

BY ADV. SRI.R.RAMADAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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C.M.Appl.No.453 OF 2006 &
C.R.P.No.443 of 2006

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Dated this the 15th day of February 2007

ORDER

C.M.Appl.No.453 OF 2006

This is an application for condonation of delay of 157 days in filing C.R.P.No.443 of 2006. In the affidavit filed in support of the C.M. Application the Assistant Executive Engineer of the KSEB has averred that the impugned order is dated 13.9.2005 and by an inadvertent omission of the advocate clerk copy application was not filed and it could be filed only on 21.2.2006. No affidavit of the advocate clerk or the advocate is filed in support of the above averment and the averment is so made behind the back of the advocate clerk against whom is the accusation made. However, copy of the impugned order was received on 17.3.2006 and Secretary accorded sanction to file revision on 18.4.2006. Still the case file was forwarded to the Standing Counsel only on 25.5.2006. It is further alleged that since that Standing Counsel was laid up due to viral fever the case bundle was returned to the Liaison Office on 27.5.2006 for reallotment to another Standing Counsel. But the Liaison Officer

again entrusted the file back to the same Standing Counsel on 24.6.2006. This means that the Board did not want to have the avoidable delay avoided despite the fact that the Standing Counsel returned the file for reallotment to another Standing Counsel as early as on 27.5.2006. The inordinate delay caused by such irresponsible acts of the officers of the KSEB does not render sufficient grounds to have the delay condoned. In the result, I dismiss this C.M. Application.

C.R.P.No.443 of 2006

C.M. Application seeking condonation of delay of 157 days in filing the CRP is dismissed. Consequently, this CRP filed far out of time is dismissed.

K.P.BALACHANDRAN, JUDGE

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